

REMARKS

Claim 1-18 are in the application. In the Final Office Action claim 10 was rejected under Section 112. This claim is amended to overcome the rejection.

All of the claims were again rejected under Section 102 or Section 103 based on Shaffer (U.S. 5,960,001) alone or in combination with Schenkel (U.S. 5,157,659). The independent claims 1, 6 and 10 are again amended to more clearly define the invention and distinguish the invention over the Shaffer reference. It is submitted that none of the amendments present any new issues as the revisions only add clarity with regard to the claimed subject matter. For example, with regard to claim 1, the rejection clearly relies on the prior art for allegedly disclosing a termination of a transmission. The amendments place the application in better condition for allowance or appeal. Reconsideration and allowance is requested in view of these amendments and the following remarks.

Applicants again respectfully disagree with the Examiner's application of the Shaffer reference. Previously it has been urged that none of the Examiner's citations from the Shaffer reference relate to defining a phase in a transmission cycle based on a receive time of the end of a telegram or data packet.

Now, in the Examiner's Response to Arguments (presented by applicants), it is urged that Shaffer, at col. 4, line 49 – col. 5, line 10 discloses “an isochronous transmission on the bus has just terminated” but applicants contend that this is taken out of context. The citation does not provide sufficient disclosure to meet the terms of the independent claims. Specifically, the sentence following the above-quoted language states that if an isochronous transmission on the bus has just terminated, the network device may wish to transmit non-isochronous data.” See col. 4, lines 59-61. This is different than what is claimed. Shaffer does not reference multiple data telegrams assigned the same priority and transmitted in a phase based on a defined receive time of the end of the data telegrams. Rather, the Shaffer reference suggests that when one (i.e., an) isochronous transmission has terminated, the network device may wish to transmit nonisochronous data. There is no disclosure that this might end a phase of isochronous transmissions, i.e., be to the exclusion of sending further isochronous transmissions. Reference is now also made to the same text cited by the Examiner at col. 4, lines 61-64 wherein it is stated that there may be a collision with data frames from another network device. From this text it

appears that the Shaffer reference does not necessarily end a phase of isochronous transmissions but, rather, merely discloses that nonisochronous data may be inserted on a piecemeal basis when individual transmissions of isochronous data packets are terminated. With regard to claim 1, it is only the applicants who define:

“a first priority during a first phase from first users to second users wherein, for telegrams assigned a first priority, transmission during the first phase is characterized by an end time based on a defined receive time of the end of the respective data telegrams at one of the second users.”

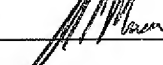
The above arguments are also applicable to the independent claims 6 and 10. Further, as previously urged, with regard to the rejections under Section 103, the Schenkel reference does not at all compensate for the deficiencies of the Shaffer reference.

Conclusion

Based on the above amendments and the argument presented, the application should be allowed. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 3/14/08

By: 
John P. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830